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ABSTRACT

To allow school district staff to administer community organizations' use of school facilities, school boards should set strong but flexible policies on such use, as has the Akron (OH) Board of Education. Although Ohio law allows schools to be used for a wide range of social, recreational, and religious activities, the board--acknowledging its instructional mission--restricts building use and charges user fees. Prohibited uses include (1) activities that may endanger school property; (2) gambling for any purpose; (3) activities not complying with safety regulations; (4) activities competing with local businesses; (5) activities "not in the public interest"; and (6) smoking and using or advertising alcoholic beverages. The superintendent may, however, make exceptions to these rules with board approval. Rental fees cover costs incurred by the users, primarily overtime pay for custodians. Many users, however, are wholly or partially exempt from charges, particularly groups directly related to the schools. Others pay either "noncommercial" or "commercial" rates, depending on whether or not they conduct fundraising events. In 1983 various groups rented the district's buildings for about 6,000 hours, paying over $100,000 in rent. (MCG)

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Clinic No. D-62 Speaker: Arnold (Ohio)

1984 NATIONAL SCHOOL BOARDS ASSOCIATION CONVENTION

SPECIAL INTEREST CLINIC

APRIL 2, 1984, 9:00 a.m.

TOPIC: GOOD POLICY TIPS FOR PUBLIC USE OF SCHOOL FACILITIES

Presented By: Mrs. Helen Arnold, President, Akron Board of Education
Akron Public Schools, Akron, Ohio

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Members of Boards of Education, Staff Members, Colleagues, Ladies and Gentlemen:

From across this great nation, it is with great pleasure that I have come to Houston, Texas to share with you my thoughts, Board policy, staff implementation and community involvement; sharing with you good tips on proper use of facilities. I do not pretend to be the expert on such a dry subject as public use of facilities, however, I do not wish to bore you to tears either so I will do what one of my good friends back home told me, and that is KISS--keep it short, stupid.

For the most part, public use of facilities--as a whole--generally reflects basic similarities, regardless of what city or state they emanate from. Boards of Education are comprised of busy people. I personally believe that it is the responsibility of the staff to deal with groups and organizations who want to lease or rent the use of facilities for their particular use. It is also the staff's responsibility to make determinations and decisions as to who will be able to rent or lease a facility from us according to policy that Board Members have developed.

By giving this responsibility to staff where it literally belongs, this will allow Board Members the opportunity to carry out their obligations to set goals and objectives not only for non-personnel items but to formulate an agenda that will define educational and curricular needs, as well.

Careful screening of staff is needed so that whatever decisions that are made are a part of their job description. It is encumbant on them not only to set regulations but also to be protective of our facilities that taxpayers pay for so that those who use them can have the same sense of pride we also have.

Now for the program that exists in my local community, the Akron Public Schools.

EA 017 011

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The advisability and availability of school facilities for public use has many variables. The first is a legal aspect. In the state of Ohio law related to the rentals and lease of school property is found in Section 3313.75 to 3313.79 of the Ohio Revised Code. The first important fact is, that rules must be clearly understood. Few constraints are placed on boards of education in providing facilities to the public. Often times citizens have asked, "why can't we use that building; the public pays for these buildings with their taxes. Why is it that the school building in our neighborhood is closed and we cannot make use of it?"

Yes, the building is there for the public to use if necessary requirements can be met. Our first priority must be that our regular school programs cannot be interrupted or curtailed for use by any potential group or organization. There are certain points of law in Ohio regarding the use of a school facility. The law permits use of school facilities in the following categories:

1. EDUCATION

   A. Education for youth from kindergarten through twelfth grade.

   B. Evening high school and tuition programs for youth and adults.

   C. Learning programs for resident adults over 18 years of age

   D. Summer school, technical school and post-graduate work for graduated youth such as skills programs.

   E. Adult education and training programs operated by state and federal agencies and local governmental entities.

2. COMMUNITY ACTIVITIES

   A. Social recreation instruction and educational programs for all adults.

   B. Cooperative programs provided by other public agencies providing educational, and recreational activities.

   C. Provided to citizens for social, entertainment and educational endeavors designed to provide local residents the ability and opportunity to participate with others.

   D. Religious exercises.

   E. Non-partisan groups to be provided the opportunity to discuss questions and issues.

3. SENIOR CITIZENS

A. Provide means for education through other agencies.

B. Board of education must have policies and well-defined guidelines that conform to the law of your state.

The Akron Board of Education has adopted two policies which limit the use of school facilities according to state law. These policies also provide for the establishment of fees for renting school facilities. The Board also has established certain conditions for the use of the facilities, such as:

1. An insurance policy to cover possible damage.
2. To provide security according to the number of guests.
3. A life guard on duty at swimming pool during recreation period.
4. Custodial service.
5. Instructional services, especially at the planetarium.

The Board Policy is expanded in Administrative Procedures for Use and Rental of School Facilities--a set of annually updated rental rates, listing of available facilities and restrictions on use.

Public elementary school buildings are intended to serve as community centers for the promotion of the cultural, recreational and educational life of the city. Therefore, every effort is made to provide the community easy access to school facilities at relatively low cost. Here are some of the guidelines we have for rental of school facilities:

- Programs must be suited to available facilities--some activities are simply not suitable or present significant risks to school property. Circuses, boxing or wrestling matches are events which offer great risk of damage or when audiences sometimes become overexuberant. Our experience with activities such as traveling carnivals with midway rides--has been that these activities are exceedingly hard on or destructive to school grounds. At one time, we permitted boxing matches. Our experience proved negative. Beer bottles, excessive litter and an overly rowdy crowd convinced us certain sporting events were best held elsewhere.

- Games of chance, lotteries, raffles, and so forth, are not permitted--even if such events are sponsored by charitable organizations.

- Any activity which would not be in compliance with fire or safety regulations cannot be held. For example, administrative staff must be aware of the kind of groups who wish to utilize their buildings and property and to screen out those who do not meet your standards.

- Activities which in any way compete with local business are unacceptable. Although a commercial concern may rent a school facility for meetings, it may not use schools for merchandising. If, for example, a non-profit organization wants to sponsor a sale involving merchandise--which is also available from local retailers--we would not authorize such a sale in a school. This can get quite touchy if a local neighborhood businessman wishes to take issue with sales of, perhaps, food items.

- Activities such as dances or talent shows--even if sponsored by non-profit organizations--are not permitted because they are in direct competition with area businesses which might provide the same entertainment for profit.

- Use of facilities for subversive purposes, private gain or any purpose not in the public interest is prohibited. This particular regulation gives us the flexibility to keep out organizations which have a reputation for behavior or activities which are anti-social or whose purpose or functions disrupt the fabric of the community.

- Smoking, alcoholic beverages or distribution of advertising for alcoholic beverages or beverage dealers is not permitted.

A final fail-safe device inserted into our regulations is that the Superintendent--with concurrence of the Board--may make exceptions to any of the rules or regulations. Of course, exceptions to established rules should be made only with the greatest caution; however, new situations and unforeseen circumstances will occur and a degree of flexibility should be built into a policy or administrative guidelines.

Last year, our Board faced just such a unique situation. A prominent local restaurateur opened an attractive new restaurant in a commercial district just outside the central city. The area is one of the more outstanding older sections of the city and it has gone through a period of decline prior to a recent revitalization. The restaurant was a wonderful boost to the revitalization effort, however, there was only one problem: parking. The now thriving commercial area lacks the parking capacity needed to accommodate the added crowds that the new restaurant has drawn.

An elementary school located just behind the restaurant seemed to provide the simple solution. So restaurateur, his attorneys--with the support of the City Planning Department--came to the Akron Board of Education with a proposal to rent our adjacent school parking lot on weekends and during the summer months. The pressure to support this rental action was great and, although the Board had misgivings about renting to an establishment which sells liquor, it agreed--under specific conditions--to allow the use of the school parking lot.

Well, a three-month trial didn't work to our satisfaction. Security was not maintained and the school property sustained damages. The token charge made for rental was not worth the trials and tribulations of monitoring the situation and dealing with the problems that arose. Our rental policy--although it makes no provision for rental of parking facilities--provided the flexibility for the Board to examine and decide this specific situation after a trial period.

What Do We Rent, To Who and For How Much

We make available a variety of facilities: for the public. These include school buildings, gymnasiums, athletic facilities, a planetarium, a swimming pool, and the Old Stone School--Akron's first school, a refurbished one-room school building built in 1840.

The Board made a decision--which it incorporated into its policy--to keep rental rates as low as possible. Therefore, rental rates are established to cover essential costs. For the most part, that means we establish rates which cover the absolute costs.

Union contracts dictate when custodians must be on duty, for how long, and at what rate. The rate of overtime payment for the custodians is the primary factor in rental rates. Subsidized users pay only the cost of the custodian--currently $17 per hour. Non-commercial rates cover custodial costs and a fee for utility costs. Commercial rates take into account wear-and-tear to school facilities, use of all facilities including parking lots, and the cost of clean-up. Commercial rates are substantially higher than the regular rental rates which account for the majority of people using our facilities.

School buildings are used thousands of hours annually outside the school day. Many users pay nothing. Activities fully subsidized--for up to four hours of use--include the following:

- School sponsored groups of students
- Groups of parents or school supporters
- Organizations whose purpose is to support the school or some element of the school curricular or extra curricular program

The City Recreation Department may use school buildings, equipment and grounds to provide recreational programs for up to 4,000 hours annually, free of charge.

Partially subsidized rates--equal to custodial costs--are provided for certain fund raising events held by PTA and Booster Clubs. Youth groups--such as YMCA, CYO, Girl Scouts--also may receive the subsidized rate for non-fund raising activities when no food is sold.

Other segments of the public wishing access to school facilities pay standard rental rates falling into two categories:

- Non-Commercial--any recognized community group or organization wishing to hold an event to which no admission is charged

- Commercial--groups wishing to use school facilities primarily for raising funds for educational, cultural, recreational or civic organizations

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Let me give you an idea of how much our schools are used, by whom and for what kinds of activities.

- Religious groups are large users. Many local ministries rent school buildings for regular Sunday services and Sunday school classes.

- Local businesses may rent gymnasium facilities on a regular basis for employee recreation programs or occasionally to conduct training classes for their employees.

- Pee Wee sports frequently rent school facilities for practice sessions and for games.

- City Recreation offers an array of programs for youngsters and adults.

- Area dance studios hold periodic reviews.

- Sales organizations hold district meetings for area representatives.

- Amateur Radio Club holds an annual exhibition for radio enthusiasts from northeast Ohio.

- Cadet-ettes--a nationally known area baton and marching unit--use our schools for practice sessions.

- Many non-profit organizations hold fund raising events ranging from pancake festivals to flea markets.

- Annually, the National Theatre of the Performing Arts brings its stage production to one of the Akron schools.

- The Summit County Board of Elections is a big user of our facilities during election times.

- A local entertainment center moved an overflow of its karate exhibition to a school setting.

In short, our buildings were rented for about 6,000 hours last year. The rental charges amounted to slightly over $100,000--and this represents only a fraction of the amount of time our buildings are used outside the school day.

The need to make school buildings accessible to the public is important but it must be balanced against cost of operating facilities, wear-and-tear on those facilities, and the importance of maintaining facilities for their primary users: the school children of our community.

A good, strong but flexible policy--which establishes a procedure for rental--is essential. In Akron, we are pleased to make our buildings available to the public; however, we also maintain a rental system which ensures that the facility is in tip-top shape for our boys and girls. It is a delicate balance but we are committed to this multi-purpose concept.

Thank you.